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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,187	10/15/2003	Charles John Luebke	03-mEDP-224	3803

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EXAMINER

MOE, AUNG SOE

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/686,187

Applicant(s)

LUEBKE ET AL.

Examiner

Aung S. Moe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22, 24 and 25 is/are rejected.
- 7) ☒ Claim(s) 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Figs. 1 and claims 1-25 in the reply filed on 7/28/2006 is acknowledged.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1-25, it is noted that "a structure" (i.e., second occurrence in claim 1 and first line of claims 2-25) lack antecedence basis because "a structure" has already recited in line 1 of claims 1 such that "A system for a structure", please change "a structure" in second occurrence in claim 1, line 1 and line 1 of claims 2-25 to - - the structure - -.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

5. Claims 1, 2, 6-10, 13-20 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Gutierrez et al. (U.S. 2004/0233855 A1).

Regarding claim 1, Gutierrez ‘855 discloses a system for a structure, said system for the structure comprising:

a server including a first wireless communication port (i.e., see Fig. 5 and 8; noted the NC as shown in Fig. 5 and further discussed in paragraphs 0045+);

a portable fob including a second wireless communication port (i.e., noted the element ND as shown in Fig. 5), a user input device and a display (i.e., as discussed in paragraphs 0044

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and 0046 that the ND device can be PDA device which contains a user interface/input and a display); and

a plurality of sensors (i.e., as shown in Figs. 5 and further discussed in paragraphs 0046 and 0165-0168 that the ND devices can be a plurality of sensors such as motion sensors or temperatures sensors), each of said sensors sensing information and including a third wireless communication port (i.e., as shown in Figs. 5 and 7; the ND devices contain RF transceiver 84 for RF wireless communication), which sends said sensed information to the first wireless communication port of said server (i.e., as discussed in Examples 1-4 as recited paragraphs 0165-0168, using a combination of sensors and LR-WPAN device, such as PDA device, with the network controller NC, the sensors ND devices can send the sensed information to the transceiver of the NC devices as shown in Figs. 5 and 8), said server (NC) sending said sensed information for at least one of said sensors (i.e., sensors ND) from the first wireless communication port of said server (i.e., noted the Transceiver of NC as shown in Fig. 8) to the second wireless communication port of said portable fob (i.e., as discussed in Examples 1-4 as recited paragraphs 0165-0168, using a combination of sensors and LR-WPAN device, such as PDA device, with the network controller NC, the PDA/fob device as shown in Fig. 7 is capable of receiving the sensed information from the transceiver of NC as shown in Figs. 5), said portable fob displaying said sensed information for at least one of said sensors at the display of said portable fob (i.e., as discussed in Examples 1-4 as recited paragraphs 0165-0168, LR-WPAN device, such as PDA device, is capable of displaying the sensed information received from the NC device respectively for the purpose of monitoring or sensing).

Regarding claim 2, Gutierrez '855 discloses wherein the display of said portable fob includes a graphical capability (i.e., as discussed in paragraphs 0044-0046, the portable communication device can be a conventional PDA device which is has a capability of graphical display as recited in present claimed invention).

Regarding claim 6, Gutierrez '855 discloses wherein said sensors and said server employ bi-directional wireless communication links between said third wireless communication ports and said first wireless communication port (i.e., as shown in Fig. 5, the communication between the ND devices and NC device employ up/downstream wireless communication links as claimed); and wherein said sensors include a routing function in some of said sensors to communicate with said server through other ones of said sensors (i.e., as shown in Fig. 5, the routing function of the ND devices are communicated with server NC through the other sensor as claimed).

Regarding claim 7, Gutierrez '855 discloses wherein said server (NC), said portable fob and said sensors employ bi-directional wireless communication links between said first wireless communication port, said second wireless communication port and said third wireless communication port (i.e., as shown in Fig. 5 and further discussed in EXAMPLE 1-4, the transceivers of the server NC, the portable communication fob/LR-WPAN device, such as PDA, and the sensors can employ up/downstream communication among them); and wherein said portable fob (i.e., portable communication device like PDA) and said sensors include a routing function in which said portable fob and some of said sensors communicate with said server (NC) through other ones of said sensors (i.e., noted the communication link between the ND devices and the NC by routing through other one of ND/sensors as shown in Fig. 5).

Regarding claim 8, Gutierrez '855 discloses wherein said server is adapted to communicate with one of a telephone line, a cellular telephone, a global communication network, a local area network, and a pager as another user interface (i.e., see paragraph 0046+).

Regarding claim 9, Gutierrez '855 discloses wherein said portable fob is adapted to be worn by a user (i.e., as discussed in paragraphs 0044+ that the portable communication device can be conventional PDA device which are wearable by the user).

Regarding claim 10, Gutierrez '855 discloses wherein said portable fob is adapted to be carried by a user (i.e., as discussed in paragraphs 0044+ that the portable communication device such that the conventional PDA device can be carry by the user).

Regarding claim 13, Gutierrez '855 discloses wherein said portable fob is adapted to configure said sensors for communication with said server (i.e., as discussed in paragraphs 0161-0163, the portable communication device ND can configure the sensors ND for communication with the NC server by using the network application model as shown in Fig. 1).

Regarding claim 14, Gutierrez '855 discloses wherein said portable fob is adapted to configure said portable fob for communication with said server (i.e., as discussed in paragraphs 0161-0163, the portable communication device ND can configure the portable PDA device to communicate with the NC server by using the network application model as shown in Fig. 1).

Regarding claim 15, Gutierrez '855 discloses wherein said server is a headless base station (i.e., noted the NC device as shown in Fig. 8 is consider as "headless base station", since the NC device does not show either user input device or any display).

Regarding claim 16, Gutierrez '855 discloses wherein said server is a network coordinator for said sensors and said portable fob (i.e., see paragraphs 0046+).

Regarding claim 17, Gutierrez '855 discloses wherein said server, said portable fob and said sensors form an IEEE 802.11 wireless local area network (i.e., see paragraphs 0043+).

Regarding claim 18, Gutierrez '855 discloses wherein said server, said portable fob and said sensors form an IEEE 802.15.4 wireless personal area network (i.e., see paragraphs 0043+).

Regarding claim 19, Gutierrez '855 discloses wherein said server further includes a processor, which detects a state change of one of said sensors (i.e., as shown in Fig. 8 and further discussed EXAMPLE 1-4 as recited in paragraphs 0165-0168, the processor 86 can detect a state change of the sensor, when used in the monitoring application), and which sends said state change from the first wireless communication port to the second wireless communication port of said portable fob (i.e., as discussed in Examples 1-4 as recited paragraphs 0165-0168, LR-WPAN device, such as PDA device, is capable of displaying the sensed information send form the NC device respectively for the purpose of monitoring or sensing).

Regarding claim 20, Gutierrez '855 discloses wherein said portable fob further includes a processor, which receives said state change from the second wireless communication port and which responsively drives said display (i.e., as shown in Fig. 7 and discussed in Examples 1-4 as recited paragraphs 0165-0168, LR-WPAN device, such as PDA device, contains a processor 86 for displaying the sensed information received form the NC device respectively for the purpose of monitoring or sensing).

Regarding claim 24, Gutierrez '855 discloses wherein said sensors periodically send said sensed information to the first wireless communication port of said server (i.e., as discussed in paragraphs 0096, the portable device ND and the sensor ND are periodically broadcasting information to the NC device); and wherein said portable fob periodically requests and receives said sensed information for said sensors between the first and second wireless communication ports (i.e., as discussed in Examples 1-4 as recited paragraphs 0096+ and 0165-0168, LR-WPAN device, such as PDA device, is capable of periodically request and receive the sensed data from the server NC the purpose of monitoring or sensing).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention “by another”; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

8. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being obvious over Gutierrez ‘855 in view of Metcalf (U.S. 2002/0023265 A1).

Regarding claim 3, Gutierrez ‘855 discloses the use of portable communication device such as “PDA” which includes the display capable of displaying a plurality of graphical objects and also include the user input device. Furthermore, it’s noted that Gutierrez ‘855 does not

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explicitly show the use of “a single rotary switch to select one of the graphical objects of the display.” as recited in present claimed invention.

However, the above-mention claimed invention is known in the art as evidenced by Metcalf ‘265. In particular, Metcalf ‘265 teaches that it is conventional and known in the art to use rotary switch to select one of the graphical objects of the display on the PDA device as shown in Fig. 1 (also see paragraphs 0014+ and 0018+).

In view of the above, having the system of Gutierrez ‘855 and then given the well-established teaching of Metcalf ‘265, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of Gutierrez ‘855 as taught by Metcalf ‘265 so that interactivity of the wireless handheld devices is enhanced by providing easy to use rotatable dial input as taught by Metcalf ‘265.

Regarding claim 4, the combination of Gutierrez ‘855 and Metcalf ‘265 discloses wherein said rotary switch is adapted to be pushed to select said one of the graphical objects (i.e., see paragraphs 0014+ and 0017+ of Metcalf ‘265).

9. Claims 5, 11-12, 21-22 and 25 are rejected under 35 U.S.C. 103(a) as being obvious over Gutierrez ‘855 in view of Wimsatt (US 2004/0260407 A1).

Regarding claim 5, although it is obvious and conventionally known to ordinary skilled in the art that the display device of the portable PDA of Gutierrez ‘855 is capable of displaying the representations of the some of the sensors and allowing the user of the PDA to select the sensed

information corresponding to one of the sensor, Gutierrez '855 does not explicitly show wherein the display of said portable fob includes a plurality of representations of at least some of said sensors; wherein the user input device of said portable fob selects one of said representations; and wherein the display of said portable fob responsively displays said sensed information for a corresponding one of said sensors.

However, as discussed above, Wimsatt '407 further teaches that the above-mentioned claimed invention is known in the art at the time of the invention was made. In particular, Wimsatt '407 teaches the use of a portable wireless device/Fob (i.e., 107) having display for displaying a plurality of a plurality of representations of at least some of said sensors (i.e., Figs. 1 and 4A-4E); wherein the user input device of said portable wireless device/Fob (107) selects one of said representations (i.e., noted the user interface of the display device as shown in Figs. 4A-4E for selecting one of the sensor representations); and wherein the display of said portable wireless device/Fob (107) responsively displays said sensed information for a corresponding one of said sensors (i.e., noted the sensed information shown in Figs. 4A-4E of Wimsatt '407).

In view of the above, having the system of Gutierrez '855 and then given the well-established teaching of Wimsatt '407, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of Gutierrez '855 as taught by Wimsatt '407, since Wimsatt '407 state in paragraphs 0008-0012 that such a modification would provide flexible and extensible to accommodate new device and new functionality.

Regarding claims 11 and 12, Gutierrez '855 clearly suggested in the Examples 1-8 (i.e., see paragraphs 0165-0174) that the portable wireless device (i.e., ND) can be used in the

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consumer and home automation market and Metcalf '265 further teaches home automation system using a portable wireless device (i.e., 107), in view of this, it is considered obvious within the level of ordinary skilled in the art at the time of the invention was made to either place or attach the portable wireless device on a household object for the purpose of implementing a user interface for home automation systems suggested by both Gutierrez '855 and Wimsatt '407.

Regarding claim 21, it is noted that Gutierrez '855 does not explicitly show that the portable fob further includes an alert device; and wherein the processor of said portable fob responsively drives said alert device in response to said state change as recited in present claimed invention.

However, the above-mention claimed invention is known in the art as evidenced by Wimsatt '407. In particular, Wimsatt '407 teaches the use of an alert device in the portable wireless device (i.e., see Figs. 2 and 4A-4E of Wimsatt '407; see paragraphs 0050 and 0053) so that the processor (201) of the portable wireless device (107) is responsively derived the alert device (i.e., see paragraphs 0053) in response to the state change (i.e., convey information about events such as security alarm trigger) as required by present claimed invention.

In view of the above, having the system of Gutierrez '855 and then given the well-established teaching of Wimsatt '407, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of Gutierrez '855 as taught by Wimsatt '407, since Wimsatt '407 state in paragraphs 0008-0012 that such a modification would provide both flexible, but easy to learn and operate user interfaces.

Regarding claim 22, the combination of Gutierrez '855 and Wimsatt '407 discloses wherein said alert device is one of an audible device, a visual device and a vibratory device (i.e., see the teaching of Wimsatt '407 as discussed in paragraphs 0053).

Regarding claim 25, it is noted that claim 25 is substantially corresponding to the claim 5 as discussed above and further reciting "graphical objects of the sensed information of the sensors" and such features are well-known in the art as evidenced by Wimsatt '407, thus, claim 25 is rejected for the same reasons as discussed above for claim 5 (i.e., see claim 5 rejection above).

Allowable Subject Matter

10. Claim 23 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

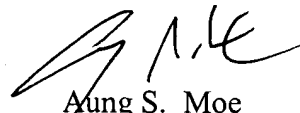
US007089298B2 US006792323B2 US006757521B1 US 20040235468A1

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aung S. Moe whose telephone number is 571-272-7314. The examiner can normally be reached on Flex.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Aung S. Moe
Primary Examiner
Art Unit 2618

A. Moe
October 28, 2006